

Remarks

Claims 1, 2, and 4-23 were previously pending and stood rejected under 35 USC 103(a). Claims 1, 7, 11, 15, and 20 have been amended. Applicants assert that the currently pending claims are in condition for allowance as set forth more fully below.

Telephone Interview

The undersigned participated in a telephone interview with the Examiner on March 8, 2005. During the interview, deficiencies in the Epler reference were discussed relative to subject matter of the present application. Namely, it was discussed that Epler provides different priority alerts by using a Distinctive Ringing feature of an Enhanced Call Waiting System, whereby the system dials a particular number for the called party based on level of urgency to produce the particular distinctive ring for that level of urgency. It was further discussed that the shortcoming to this approach is that a separate telephone number is used for each level of urgency per called party, and this becomes very wasteful of the available telephone numbers. It was further discussed that the present application provides for different priority alerts to be provided to a single telephone number of the called party such that multiple numbers are not wasted.

103 Rejections

Claims 1, 2, 4-9, 11-16, and 18-23 stand rejected under 35 USC 103(a) as being anticipated by Epler (US Pat 5,825,867) in view of Leung (US Pat 6,005,870). The Examiner has asserted that Epler teaches all of the elements of the claims except multiple codes per caller in advance of the call but that Leung teaches the multiple codes.

However, the claims now include recitations to the priority alerts being played for the single telephone number. As a representative example, claim 1 recites playing for the same telephone number dialed by the calling party a priority alert signal associated with the priority code provided by the calling party and that is indicative of the level of urgency of the call to interfere with the first communication session and alert the subscriber to the level of urgency of the call. Thus, it is evident that the particular priority alert signal corresponding to whichever priority code has been entered is played for the single telephone number of the called party.

Epler, in Col. 6, lines 5-16, discloses that the priority of the call is provided to the called party by using the Distinctive Ring service of the Enhanced Call Waiting system. In Epler, as opposed to playing whichever priority alert signal for the single telephone number of the called party, the system dials one of several numbers for the called party depending upon which level of urgency needs to be indicated. Thus, instead of indicating the level of urgency by using a single telephone number, the system of Epler requires a separate telephone number for the caller for each of the different levels of urgency. Therefore, Epler fails to disclose each of the elements of the pending claims.

Leung deals with a single alert and does not have different alerts based on different call priorities. Instead, Leung uses the priority of the call to determine whether the alert or not alert, rather than to specify urgency via the alert. Therefore, Leung does not account for the deficiencies of Epler. Accordingly, the independent claims 1, 7, 11, 15, and 20 are allowable over the combination of Epler and Leung. Dependent claims 2, 4-6, 8, 9, 12-14, 16, 18, 19, and 21-23 depend from allowable base claims and are also allowable for at least the same reasons.

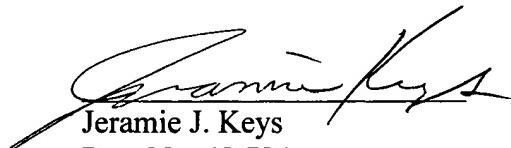
Conclusion

Applicants assert that the application including claims 1, 2, 4-9, 11-16, and 18-23 is now in condition for allowance. Applicants request reconsideration in view of the amendments and remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due beyond the fee for continued examination. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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